

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONONDAGA

TAMMY TORRES, f/k/a TAMMY COMPEAU,

Plaintiff(s),

*-against-*THE ROMAN CATHOLIC DIOCESE OF SYRACUSE NY;
THE CHURCH OF THE BLESSED SACRAMENT; AND
ST. VINCENT DE PAUL – BLESSED SACRAMENT
CHURCH OF VESTAL, N.Y.

Defendant(s).

Index No. _____

Summons

Date Index No. Purchased: _____

October 24, 2019

To the above named Defendant(s)

THE ROMAN CATHOLIC DIOCESE OF SYRACUSE NY
240 East Onondaga Street, Syracuse, Onondaga County, New York

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

The basis of venue is one or more defendant resides in Onondaga County, New York
which is located in Onondaga County, New York

Dated: New York, New York

October 24, 2019

SIMMONS HANLY CONROY LLC

by 

Paul J. Hanly, Jr.

Attorneys for Plaintiff

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Defendant(s).

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Date Index No. Purchased: _____

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To the above named Defendant(s)

THE CHURCH OF THE BLESSED SACRAMENT
465 Clubhouse Road, Vestal, Broome County, New York

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONONDAGA

TAMMY TORRES, f/k/a TAMMY COMPEAU,

Plaintiff(s),

*-against-*THE ROMAN CATHOLIC DIOCESE OF SYRACUSE NY;
THE CHURCH OF THE BLESSED SACRAMENT; AND
ST. VINCENT DE PAUL – BLESSED SACRAMENT
CHURCH OF VESTAL, N.Y.

Defendant(s).

Index No. _____

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October 24, 2019

To the above named Defendant(s)

ST. VINCENT DE PAUL – BLESSED SACRAMENT CHURCH OF VESTAL, N.Y.
465 Clubhouse Road, Vestal, Broome County, New York

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's attorney within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ONONDAGA

TAMMY TORRES, f/k/a TAMMY COMPEAU,

Plaintiff,

v.

THE ROMAN CATHOLIC DIOCESE OF SYRACUSE NY; THE
CHURCH OF THE BLESSED SACRAMENT; AND ST. VINCENT
DE PAUL – BLESSED SACRAMENT CHURCH OF VESTAL,
N.Y.

Defendants.

Index No.

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Tammy Torres, formerly known as Tammy Compeau, by her attorneys Simmons Hanly Conroy LLC and the Law Offices of Mitchell Garabedian, brings this action against The Roman Catholic Diocese of Syracuse NY; The Church of the Blessed Sacrament; and St. Vincent de Paul – Blessed Sacrament Church of Vestal, N.Y., and alleges, on personal knowledge as to herself and on information and belief as to all other matters, as follows:

JURISDICTION AND VENUE

1. This Court has personal jurisdiction over the Defendants pursuant to CPLR 301 and 302, in that the Defendants reside in New York.
2. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.
3. Venue for this action is proper in the County of Onondaga pursuant to CPLR 503 in that one or more of the Defendants reside in this County and a substantial part of the events or omissions giving rise to the claims asserted herein occurred in this County.

PARTIES

4. Plaintiff Tammy Torres ("Plaintiff") is an individual residing in Philadelphia, Pennsylvania.

5. Defendant The Roman Catholic Diocese of Syracuse NY ("Diocese of Syracuse") is a religious corporation organized pursuant to the New York Religious Corporations Law, with its principal office at 240 East Onondaga Street, Syracuse, Onondaga County, New York. The Diocese of Syracuse is a Roman Catholic diocese. At all relevant times, the Diocese of Syracuse created, oversaw, supervised, managed, controlled, directed and operated parishes or churches of the Diocese of Syracuse, including during all relevant times, The Church of the Blessed Sacrament and St. Vincent de Paul – Blessed Sacrament Church of Vestal, N.Y.

6. Defendant The Church of the Blessed Sacrament ("Blessed Sacrament Church") was a Roman Catholic parish within and under the authority of the Diocese of Syracuse and was a religious corporation organized pursuant to the Religious Corporations Law with its principal office formerly at One Cenacle Plaza, Johnson City, Broome County, New York, and now at 465 Clubhouse Road, Vestal, Broome County, New York. At all relevant times, the Diocese of Syracuse created, oversaw, supervised, managed, controlled, directed and operated Blessed Sacrament Church.

7. Defendant St. Vincent de Paul – Blessed Sacrament Church of Vestal, N.Y. ("St. Vincent de Paul") is a Roman Catholic parish within and under the authority of the Diocese of Syracuse and is a religious corporation organized pursuant to the Religious Corporations Law with its principal office at 465 Clubhouse Road, Vestal, Broome County, New York. At all relevant times, the Diocese of Syracuse created, oversaw, supervised, managed, controlled, directed and operated St. Vincent de Paul. As a result of a corporate merger, Defendant St. Vincent de Paul is the legal successor to Defendant Blessed Sacrament Church.

FACTS COMMON TO ALL CLAIMS

8. Plaintiff and her family were parishioners of and attended Blessed Sacrament Church when Plaintiff was a minor child.

9. During the times relevant to the allegations set forth herein, Father Daniel W. Casey, Jr. ("Father Casey") was assigned by Defendant Diocese of Syracuse to be a priest at Blessed Sacrament Church where Plaintiff's family were parishioners. Father Casey died in 2000.

10. Through his positions at, within, or for Defendants Diocese of Syracuse and Blessed Sacrament Church, Father Casey was put in direct contact with members of the Plaintiff's family, including Plaintiff, a minor parishioner of Blessed Sacrament Church.

11. In approximately 1971 when Plaintiff was approximately eight years of age, Plaintiff attended religious education classes at Blessed Sacrament School, the parochial elementary school affiliated with Blessed Sacrament Church and located at or near 5 Cenacle Plaza, Johnson City, Broome County, New York. Some of these classes were taught by Father Casey. During this same time period, Plaintiff also gave confession to Father Casey inside Blessed Sacrament Church.

12. Father Casey used his position at Blessed Sacrament Church which granted him access to Plaintiff when Plaintiff was approximately eight years of age to sexually assault, sexually abuse, and/or have sexual contact with the Plaintiff on at least two occasions in violation of the laws of the State of New York.

Defendants' Responsibility for the Abuse Committed by Father Casey

13. At all times material hereto, Father Casey was under the management, supervision, employ, direction and/or control of Defendants Diocese of Syracuse and Blessed Sacrament Church.

14. Through his positions at, within, or for Defendants Diocese of Syracuse and Blessed Sacrament Church, Father Casey was put in direct contact with Plaintiff.

15. Father Casey used his position at, within, or for Defendants Diocese of Syracuse and Blessed Sacrament Church and the implicit representations made by them about his character that accompanied that position, to gain Plaintiff's trust and confidence and to create an opportunity to be alone with, and sexually touch, Plaintiff.

16. Defendants Diocese of Syracuse and Blessed Sacrament Church had the duty to reasonably manage, supervise, control and/or direct priests who served at Blessed Sacrament Church, and specifically, had a duty not to aid pedophiles such as Father Casey by assigning, maintaining, and/or appointing them to positions with access to minors.

17. Defendants Diocese of Syracuse and Blessed Sacrament Church knew and/or reasonably should have known, and/or knowingly condoned, and/or covered up, the inappropriate and unlawful sexual activities of Father Casey, who sexually abused Plaintiff.

18. Defendant Diocese of Syracuse had a duty to the Plaintiff to properly supervise Diocese of Syracuse priests to ensure that priests did not use their positions with the Diocese of Syracuse as a tool for grooming and assaulting vulnerable children. Defendant Diocese of Syracuse knew or should have known that Father Casey used his positions with the Diocese of Syracuse to sexually abuse minor children, including the Plaintiff.

Consequences of the Abuse

19. Plaintiff suffered personal, physical, and psychological injuries and damages as a result of Father Casey's actions, as well as other damages related thereto, as a result of the childhood sexual abuse Plaintiff sustained.

20. As a direct result of Defendants Diocese of Syracuse's and Blessed Sacrament Church's conduct described herein, Plaintiff suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. Plaintiff was prevented from obtaining the

full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling; and has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of Father Casey's sexual abuse, Plaintiff is unable at this time to fully describe all of the details of that abuse and the extent of the harm she suffered as a result.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Negligent Hiring/Retention/Supervision/Direction

21. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 20 as if fully set forth herein.

22. Defendants Diocese of Syracuse and Blessed Sacrament Church owed a duty of care to all minor persons, including Plaintiff, who were likely to come within the influence or supervision of Father Casey in his role as priest, counselor, trustee, director, officer, employee, agent, servant and/or volunteer, to insure that Father Casey did not use his assigned position to injure minors by sexual assault, sexual abuse, or sexual contact in violation of the laws of the State of New York.

23. Defendant Diocese of Syracuse at all relevant times held the parishes of the Diocese of Syracuse out to be safe places for minors to attend, and its priests as individuals to whom it was safe to entrust the care of minor children. Defendant Diocese of Syracuse entered into an express and/or implied duty to safely treat Plaintiff and assumed the duty to protect and care for her.

24. Father Casey sexually assaulted, sexually abused, and/or had sexual contact with Plaintiff when Plaintiff was a minor child at Blessed Sacrament Church and Blessed Sacrament School.

25. Defendants Diocese of Syracuse and Blessed Sacrament Church negligently hired, retained, directed, and supervised Father Casey, though they knew or should have known that Father Casey posed a threat of sexual abuse to minors.

26. Defendants Diocese of Syracuse and Blessed Sacrament Church knew or should have known of Father Casey's propensity for the conduct which caused Plaintiff's injuries prior to, or at the time of, the injuries' occurrence.

27. Defendants Diocese of Syracuse and Blessed Sacrament Church were negligent in failing to properly supervise Father Casey.

28. The sexual abuse of children by adults, including priests, is a foreseeable result of negligence.

29. At all times material hereto, Defendants Diocese of Syracuse's and Blessed Sacrament Church's actions were willful, wanton, malicious, reckless, negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

30. As a direct and proximate result, Plaintiff has suffered and will continue to suffer the injuries described herein.

31. Liabilities of Blessed Sacrament Church were transferred to, or assumed by, St. Vincent de Paul. As a result, St. Vincent de Paul is liable to the Plaintiff for the damages caused by Blessed Sacrament Church stated in this cause of action.

32. By reason of the foregoing, the Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

SECOND CAUSE OF ACTION

Negligence/Gross Negligence

33. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 20 as if fully set forth herein.

34. Defendants Diocese of Syracuse and Blessed Sacrament Church knew, or were negligent in not knowing, that Father Casey posed a threat of sexual abuse to children.

35. The acts of Father Casey described hereinabove were undertaken, and/or enabled by, and/or during the course, and/or within the scope of his respective

employment, appointment, assignment, and/or agency with the Defendants Diocese of Syracuse and Blessed Sacrament Church.

36. Defendants Diocese of Syracuse and Blessed Sacrament Church owed Plaintiff, a minor at the relevant times of abuse, a duty to protect her from Father Casey's sexual deviancy and the consequential damages, both prior to and/or subsequent to Father Casey's misconduct.

37. Defendants Diocese of Syracuse's and Blessed Sacrament Church's willful, wanton, grossly negligent and/or negligent act(s) of commission and/or omission, resulted directly and/or proximately in the damage set forth herein at length.

38. Defendants Diocese of Syracuse and Blessed Sacrament Church:

- a. gave improper or ambiguous orders or failed to make proper regulations, and/or employed improper persons or instrumentalities in work involving risk of harm to others;
- b. failed adequately to supervise the activities of Father Casey;
- c. permitted, and/or intentionally failed and/or neglected to prevent, negligent and/or grossly negligent conduct and/or allowed other tortious conduct by persons, whether or not their servants and/or agents and/or employees, upon premises or with instrumentalities under their control; and
- d. allowed the acts of omission and/or commission and/or any or all of the allegations set forth in this Complaint to occur.

39. At all times material hereto, with regard to the allegations contained herein, Father Casey was under the supervision, employ, direction and/or control of the Defendants Diocese of Syracuse and Blessed Sacrament Church.

40. At all times material hereto, Defendants Diocese of Syracuse's and Blessed Sacrament Church's actions were willful, wanton, malicious, reckless, negligent and outrageous in their disregard for the rights and safety of Plaintiff, which amounted to

conduct equivalent to criminality.

41. As a direct and/or indirect result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

42. Liabilities of Blessed Sacrament Church were transferred to, or assumed by, St. Vincent de Paul. As a result, St. Vincent de Paul is liable to the Plaintiff for the damages caused by Blessed Sacrament Church stated in this cause of action.

43. By reason of the foregoing, the Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

THIRD CAUSE OF ACTION

Breach of Non-Delegable Duty

44. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 20 as if fully set forth herein.

45. Plaintiff, when she was a minor, was placed in the care and supervision of Defendants Diocese of Syracuse and Blessed Sacrament Church for the purposes of, *inter alia*, providing Plaintiff with a safe environment in which to participate in religious, educational, youth and recreational activities. There existed a non-delegable duty of trust between Plaintiff and Defendants Diocese of Syracuse and Blessed Sacrament Church.

46. Plaintiff was a vulnerable child when placed within the care of Defendants Diocese of Syracuse and Blessed Sacrament Church.

47. As a consequence, Defendants Diocese of Syracuse and Blessed Sacrament Church were in the best position to prevent Plaintiff's abuse, to learn of Father Casey's repeated sexual abuse of Plaintiff, and to stop it.

48. By virtue of the fact that Plaintiff was sexually abused as a minor child entrusted to the care of Defendants Diocese of Syracuse and Blessed Sacrament Church, Defendants Diocese of Syracuse and Blessed Sacrament Church breached their non-delegable duty to Plaintiff.

49. At all times material hereto Father Casey was under the supervision, employ, direction and/or control of Defendants Diocese of Syracuse and Blessed Sacrament Church.

50. As a direct result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

51. Liabilities of Blessed Sacrament Church were transferred to, or assumed by, St. Vincent de Paul. As a result, St. Vincent de Paul is liable to the Plaintiff for the damages caused by Blessed Sacrament Church stated in this cause of action.

52. By reason of the foregoing, the Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

FOURTH CAUSE OF ACTION

Breach of Fiduciary Duty

53. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 20 as if fully set forth herein.

54. There exists a fiduciary relationship of trust, confidence, and reliance between Plaintiff and Defendants Diocese of Syracuse and Blessed Sacrament Church. This relationship is based on the entrustment of the Plaintiff while she was a minor child to the care and supervision of the agent or servant of Defendants Diocese of Syracuse and Blessed Sacrament Church. This entrustment of the Plaintiff to the care and supervision of Defendants Diocese of Syracuse and Blessed Sacrament Church, while the Plaintiff was a minor child, required Defendants Diocese of Syracuse and Blessed Sacrament Church to assume a fiduciary relationship and to act in the best interests of the Plaintiff, as well as to protect her while she was a minor and vulnerable child.

55. Pursuant to their fiduciary relationship, Defendants Diocese of Syracuse and Blessed Sacrament Church were entrusted with the well-being, care, and safety of Plaintiff.

56. Pursuant to their fiduciary relationship, Defendants Diocese of Syracuse and Blessed Sacrament Church assumed a duty to act in the best interests of Plaintiff.

57. Defendants Diocese of Syracuse and Blessed Sacrament Church breached their fiduciary duty to Plaintiff.

58. At all times material hereto, the actions and/or inactions of Defendants Diocese of Syracuse and Blessed Sacrament Church were willful, wanton, malicious, reckless, negligent and outrageous in their disregard for the rights and safety of Plaintiff.

59. As a direct result of said conduct, Plaintiff has suffered and will continue to suffer the injuries and damages described herein.

60. Liabilities of Blessed Sacrament Church were transferred to, or assumed by, St. Vincent de Paul. As a result, St. Vincent de Paul is liable to the Plaintiff for the damages caused by Blessed Sacrament Church stated in this cause of action.

61. By reason of the foregoing, the Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

FIFTH CAUSE OF ACTION

Negligent Infliction of Emotional Distress

62. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 20 as if fully set forth herein.

63. As described above, the actions of Defendants Diocese of Syracuse and Blessed Sacrament Church, their agents, servants, and/or employees were conducted in a negligent and/or grossly negligent manner.

64. Defendants Diocese of Syracuse's and Blessed Sacrament Church's actions endangered Plaintiff's safety and caused her to fear for her own safety.

65. As a direct and proximate result of Defendants Diocese of Syracuse's and Blessed Sacrament Church's actions, which included but were not limited to negligent and/or grossly negligent conduct, Plaintiff suffered and will continue to suffer the severe

injuries and damages described herein, including but not limited to, mental and emotional distress.

66. Liabilities of Blessed Sacrament Church were transferred to, or assumed by, St. Vincent de Paul. As a result, St. Vincent de Paul is liable to the Plaintiff for the damages caused by Blessed Sacrament Church stated in this cause of action.

67. By reason of the foregoing, the Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

SIXTH CAUSE OF ACTION

Breach of Duty *in Loco Parentis*

68. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 20 as if fully set forth herein.

69. While she was a minor, Plaintiff was entrusted by her parents to the control of Defendants Diocese of Syracuse and Blessed Sacrament Church, as well as directly to Father Casey, an agent or servant of Defendants Diocese of Syracuse and Blessed Sacrament Church, for the purposes of *inter alia*, providing Plaintiff with appropriate guidance and an opportunity to enjoy educational and youth activities under responsible adult supervision. Defendants Diocese of Syracuse and Blessed Sacrament Church owe — and owed — a duty to children entrusted to them to act *in loco parentis* and to prevent foreseeable injuries.

70. Defendants Diocese of Syracuse and Blessed Sacrament Church breached their duty to act *in loco parentis*.

71. At all times material hereto, Defendants Diocese of Syracuse's and Blessed Sacrament Church's actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

72. As a direct result of Defendants Diocese of Syracuse's and Blessed Sacrament Church's conduct, Plaintiff has suffered and will continue to suffer the injuries

and damages described herein.

73. Liabilities of Blessed Sacrament Church were transferred to, or assumed by, St. Vincent de Paul. As a result, St. Vincent de Paul is liable to the Plaintiff for the damages caused by Blessed Sacrament Church stated in this cause of action.

74. By reason of the foregoing, the Defendants are liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

WHEREFORE Plaintiff, demands judgment against the Defendants on each cause of action as follows:

- A. Awarding compensatory damages in an amount to be proved at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction;
- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding prejudgment interest to the extent permitted by law;
- D. Awarding costs and fees of this action, including attorneys' fees, to the extent permitted by law; and
- E. Awarding such other and further relief as to this Court may seem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: October 24, 2019
New York, New York

Respectfully Submitted,

/s/ Paul J. Hanly, Jr.
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